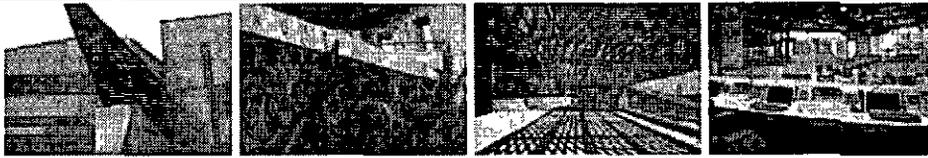


A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, December 14, 2006

 + [Back](#) [Print](#)**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 78**

Subject: C14-06-0172 - Arboretum Retirement Community - Conduct a public hearing and approve and ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11601 Jollyville Road (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-mixed use (GR-MU) combining district zoning for Tract 1 and limited office-mixed use (LO-MU) combining district zoning for Tract 2. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: Applicant: JV Road Limited, Texas Limited Partnership (Michael R. Young). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwatis, 974-3057 A valid petition has been filed in opposition to this rezoning request

Additional Backup Material

(click to open)

Staff Report**For More Information:**

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0172

Z.A.P. DATE: October 3, 2006
October 17, 2006

ADDRESS: 11601 Jollyville Road

OWNER/APPLICANT: JV Road Limited, Texas Limited Partnership (Michael R. Young)

AGENT: Land Strategies, Inc. (Paul Linehan)

ZONING FROM: LO

TO: Tract 1: GR-MU (for 866 to 896 ft above sea level) MF-6 (for 896 to 986 ft above sea level)	AREA: 1 570 acres
Tract 2: LO-MU (an area 120 ft in depth on the site from the property line along Jollyville Road)	<u>0 424 acres</u>
Total	1 994 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay District, zoning for Tract 1 and LO-CO, Limited Office-Conditional Overlay District, zoning for Tract 2. The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION:

10/05/06.

1st Motion: To postpone the case for 12-weeks at the neighborhood's request (Vote 3-4, T Rabago/ J Martinez/ J. Gohil/ J. Shieh-Nay, K Jackson/ J Pinnelli-absent), C Hammond-1st, S Hale-2nd {MOTION FAILED}

2nd Motion: To postpone to October 17, 2006 at the applicant's request (Vote 4-3, S Hale/ C Hammond/ B Baker-Nay, J Pinnelli/ K Jackson-absent), J Martinez-1st, T Rabago-2nd {MOTION FAILED}

3rd Motion: To postpone for 6-weeks to November 21, 2006 by ZAP Commission (Vote 7-0, J Pinnelli/ K Jackson-absent), J. Martinez-1st, J Gohil-2nd.

[Later in the evening after the neighborhood & staff had left the hearing, a 4th motion was made]

4th Motion: To Rescind and Reconsider previous action of postponement and postpone to October 17, 2006 (5-2, C Hammond/ B Baker-Nay, J Pinnelli/ K Jackson-absent), J Martinez-1st, J Gohil-2nd

10/17/06. Approved GR-MU-CO zoning on Tract 1 for an area 866 to 896 ft above sea level and MF-6-CO zoning for an area 896 to 926 ft above sea level, with conditions of a 60-foot height limit and 2,000 vehicle trip limit and approved LO-MU-CO zoning on Tract 2, with

conditions of 2,000 vehicle trip limit, limit site to 'LO' district uses and residential accessory uses (prohibiting dwelling units)

Vote: 9-0, K Jackson-1st, J Martinez-2nd

ISSUES:

On October 12, 2006, the staff received a petition from surrounding property owners ("Attachment A") The GIS staff has verified that this petition is **valid at 34.16 %**. Therefore, the petition will require an affirmative vote of three-fourths of the members of Council to approve the applicant's request for the proposed rezoning

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if*
- (1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development, or*
 - (2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land*
 - (a) included in the proposed change, or*
 - (b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area*

In addition, the staff has received numerous letters /e-mails in regards to the proposed rezoning for the site under consideration This information is included as "Attachment B" with the case report.

DEPARTMENT COMMENTS:

The property in question is currently undeveloped and contains several large trees This tract of land is located adjacent to/behind the Chuy's and Joe's Crab Shack restaurants, which front U S Highway 183 North The agent for this case has stated that the applicant is requesting a rezoning on Tract 1 to GR-MU (for 866 to 896 ft above sea level) because they would like to develop the property with a parking garage structure that will service the existing Chuy's restaurant site to the north In addition, the applicant is asking for MF-6 zoning (for 896 to 986 ft above sea level) to be developed above the proposed GR-MU zoning area to construct a 120-foot condominium tower. The proposed development would allow for a 12-story building, containing approximately 130 residential units to be marketed as an owner occupied retirement community. The applicant is requesting LO-MU zoning for Tract 2 so that they can develop amenities, such as a swimming pool, to provide services for the residential retirement condominium tower on Tract 1

The staff recommends GR-MU-CO zoning for Tract 1 because the subject tract meets the intent of the 'GR' district as it will allow for uses that serve neighborhood and community needs and that are generally accessible from major traffic ways, such as Jollyville Road and U S Highway 183 North The addition of the 'MU' combining district will permit a mixture of residential and commercial uses to be developed on the site

The staff, however, does not recommend the applicant's request to create multilayered zoning on this tract by rezoning an area 896 to 986 feet above sea level for MF-6 uses. The property in question

does not meet the intent of the 'MF-6' district as the site under consideration is not located within the central city near a major institution or employment center. The recommended GR-MU-CO zoning will allow the applicant to develop Tract 1 with multifamily residential uses that equate with MF-4 district density in the Land Development Code. The applicant has stated that they are pursuing MF-6 zoning to get additional height on the property. Yet even with the 90 feet of height permitted by the MF-6 district, the applicant will still have to request variances to development standards at the Board of Adjustment to achieve the 12 story/120-foot residential condominium tower that they desire to construct on the property.

The staff is also recommending a 120-foot buffer of LO-CO zoning along Jollyville Road for Tract 2 in accordance with the intent of the U.S. 183/Jollyville Road Area Study. The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The staff does not recommend the applicant's request to add an 'MU' combining district to the proposed 'LO' area because the purpose of the 120-foot strip was to allow for a buffer of office uses along Jollyville Road to separate the intensive commercial uses fronting U.S. Highway 183/Research Boulevard from the office and residential uses existing on the western side of Jollyville Road.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Undeveloped
<i>North</i>	GR-CO	Restaurant-General uses (Chuy's, Joe's Crab Shack)
<i>South</i>	MF-2-CO	Multifamily Residential (Marquis Apartments)
<i>East</i>	GR, GR-CO, MH	Office, Automotive Repair, Office (Sunset Mortgage), Service Station (Chevron)
<i>West</i>	LO, LR	Office (Orthopedic Associates)

AREA STUDY: U.S. 183/Jollyville Road Area Study

(This Area Study designates the property in question for commercial/GR district uses. The U.S. 183 Study was approved by the City Council in November of 1978. The Area Study recommended that a 120-foot deep strip of land along Jollyville Road be zoned "O" Office zoning (which was converted to LO, Limited Office, in 1985) and that a 200 foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned office and multi-family, with the majority of office zoning being LO zoning. The recommendation for a 120-foot strip of LO zoning along the eastern portion of Jollyville Road was incorporated into the Jollyville Road Study, which was adopted in 1984).

TIA: Not required

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- 46 - North Oaks Neighborhood Association
- 157 - Courtyard Homeowners Association
- 426 - River Place Residential Community Association, Inc
- 475 - Bull Creek Foundation
- 724 - Austin Independent School District

SCHOOLS:

- North Oaks Elementary School
- Canyon Vista Middle School
- Anderson High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0013	GR, SF-2 to MF-6* *On 4/27/06, the agent requested to amend the case to allow for a 65 foot strip of SF-3 zoning along the southeast property line.	5/02/06: Motion to approve MF-6-CO zoning, with a 60 foot height limit, and SF-3 zoning for an area 65 feet from the southeastern property line (5-3, B Baker, M Hawthorne, C Hammond-No, J. Martinez-absent), K Jackson-1 st , B Baker-2 nd . Motion made to rescind and reconsider previous action (8-0, J. Martinez-absent), K. Jackson-1 st , B Baker-2 nd Motion to deny the applicant's request for MF-6 zoning (6-2, J. Gohil, S. Hale-No, J. Martinez-absent), K Jackson-1 st , J Pinnelli-2 nd	6/22/06: Case withdrawn by applicant
C14-02-0088	LO to LR-CO	6/18/02: Approved staff's recommendation of LR-CO zoning, by consent (8-0, A. Adams-absent)	7/18/02. Approved LR-CO, prohibiting the following uses as offered by the applicant: Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety Services(7-0), all 3 readings
C14-01-0160	LO to GO	Withdrawn by applicant on 12/14/01	N/A
C14-99-0040	SF-2 to GO	4/06/99 Approved staff rec. of LO (9-0)	5/06/99 Approved PC rec. of LO (6-0), all 3 readings
C14-97-0118	SF-2 to SF-3	10/07/97 Approved staff's rec of SF-3 (8-0)	11/06/97 Approved PC rec of SF-3 (7-0), all 3 readings
C14-97-0067	LO, SF-2 to LO	7/22/97 Approved staff rec of LO by consent (8-0)	8/21/97 Approved LO (5-0), all 3 readings

C14-93-0141	SF-2 to GR	11/16/93 Approved LO and GR-CO On Tract 2 - General Retail Sales (General and Convenience) uses shall be a max FAR of 13,269 sq ft ; Restaurant (Drive-in, Fast Food) use shall be a max FAR of 3,163 sq. ft., Restaurant (General) use shall be a max FAR of 9,735 sq ft.; Food Sales use shall be a max FAR of 11,259 sq ft , Financial Services use shall be a max FAR of 11,500 sq ft.	12/02/93: Approved LO and GR-CO (7-0), all 3 readings
C14-93-0070	LO to LI-PDA	7/20/93. Approved LI-PDA (9-0)	8/05/93: Approved LI-PDA (6-0); 1 st reading 12/16/93 Approved LI-PDA 6-0); 2 nd /3 rd readings
C14-92-0133	SF-2, SF-3, SF-6, LO, GO to MF-2	5/23/93 Approved MF-2 w/ conditions (6-0): limit density to 224 dwelling units; no structure shall be constructed within 50 feet of SF-2 zoning, any structure beyond the 50 foot setback, within 400 feet of Ladera Vista Drive shall not exceed 32 feet in height; allow only emergency access to Taylor Draper Lane; maintain a 50 foot vegetative buffer along Taylor Draper Lane; construct a six foot high privacy fence along Taylor Draper Lane, no structures within 220 feet of Taylor Draper Lane, any structure within 80 feet of the 220 foot setback shall not be 32 feet or higher within said 80 foot strip of land; construct a six foot high privacy fence along the property abutting single-family zoned lots.	6/03/93: Approved MF-2-CO (6-0); 1 st reading 6/10/93 Approved MF-2-CO (5-0); 2 nd /3 rd readings
C14-92-0051	SF-2 to MF-2	8/27/92: Approved MF-2-CO. limit density to 17 3 units per acre, driveway access for the property shall be reviewed and approved at the time of site plan be Transportation review	9/03/92 Approved MF-2-CO on all 3 readings
C14-90-0056	SF-2 to LO	10/09/90. Approved LO (6-0-2, SR/HG-abstain)	10/18/90: Approved LO (6-0), 1 st reading 1/10/91 Approved LO, 2 nd /3 rd readings

C14-90-0050	LO to LI-PDA	9/11/90 Approved staff rec. of LI-PDA (7-0)	9/13/90 Approved LI-PDA (6-0), 1 st reading 4/25/91 Approved LI-PDA on 2 nd /3 rd readings
C14-89-0024	SF-2, GO to GR	5/23/89: Approved GR & SF-2	6/29/89: Approved GR & SF-2 (6-0); 1 st reading 10/04/90: Approved GR & SF-2 (7-0), 2 nd /3 rd readings
C14-89-0022	LO to GR	6/27/89. Approved GR-CO and LR w/conditions. No direct vehicular access to Thunder Creek or Stanwood Road; Food Sales use shall be a max FAR of .041 to 1; General Retail Sales (General and Convenience) uses shall be a max FAR of .08 to 1; Restaurant (General and Limited) uses shall be a max FAR of .009 to 1; Restaurant (Drive-In, Fast Food) uses is restricted to a FAR of .003 to 1; FAR calculations shall be based on the combined area of Tract 1 (29.909 acres) and Tract 2 (1 482 acres), uses shall comply with the TIA.	7/27/89 Approved GR-CO and LR w/conditions on 1 st reading 1/18/90 Approved GR-CO and LR-CO on 2 nd /3 rd readings

RELATED CASES: There are no pending related cases

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Jollyville Road	106'	57'	Major Arterial	No	Yes	Priority 2

CITY COUNCIL DATE: October 19, 2006

ACTION: Postponed to November 16, 2006 at the neighborhood's request (7-0)

November 16, 2006

ACTION: Postponed to December 14, 2006 at the owner's request (7-0)

December 14, 2006

ACTION:

ORDINANCE READINGS: 1st

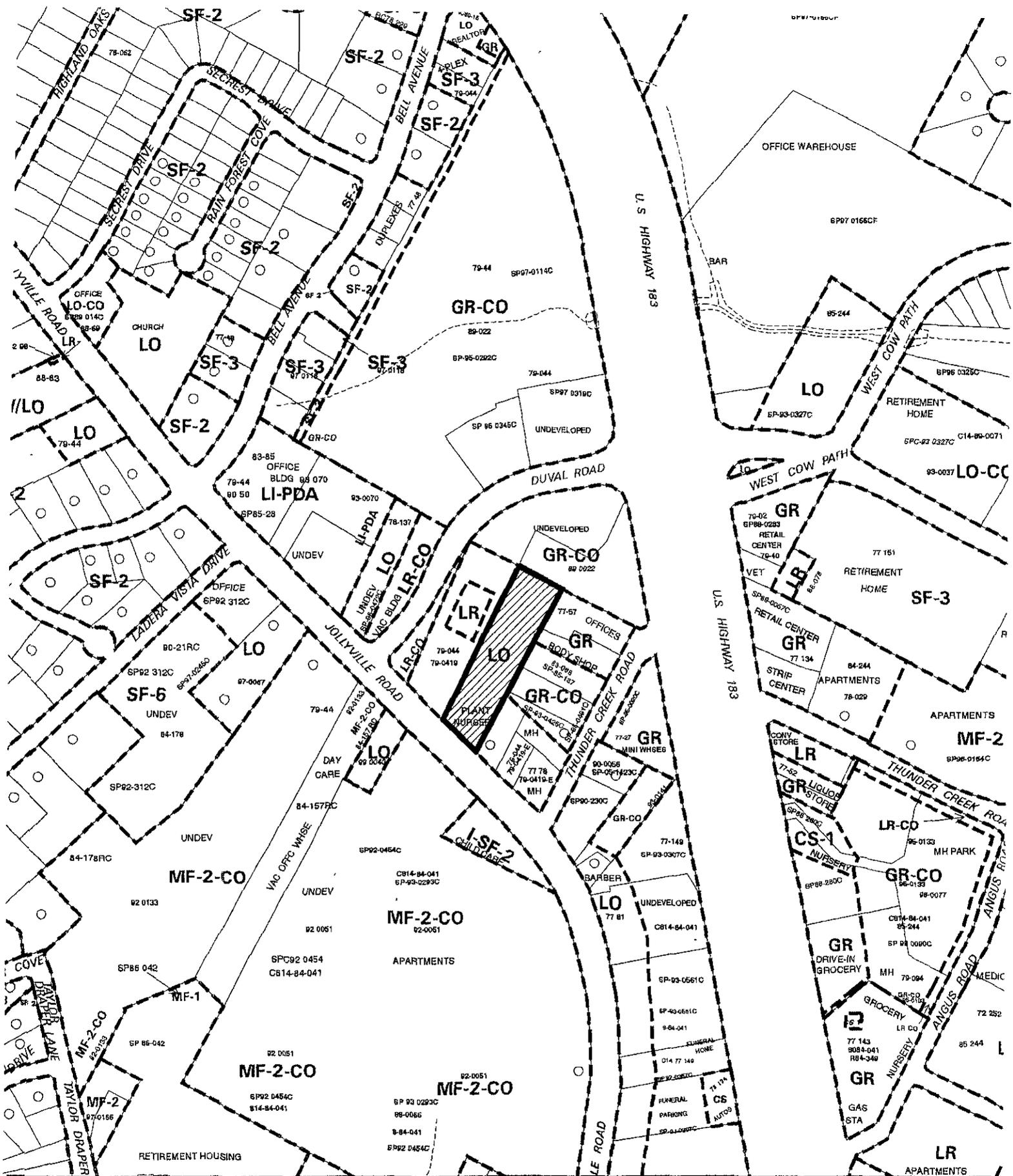
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherrri Sirwaitis

PHONE: 974-3057,
sherrri_sirwaitis@ci.austin.tx.us



<p>1" = 400'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR. S SIRWAITIS</p>	<p>ZONING</p> <p>CASE #: C14-06-0172</p> <p>ADDRESS: 11601 JOLLYVILLE RD</p> <p>SUBJECT AREA (acres): 2</p>	<p>DATE 06-08</p> <p>INTLS. SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>J35</p>	

MF-2

STAFF RECOMMENDATION

The staff's recommendation is grant GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay District, zoning for Tract 1 and LO-CO, Limited Office-Conditional Overlay District, zoning for Tract 2. The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Land Development Code states that, "Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways."

"The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development."

The subject tract meets the intent of the 'GR' district as it will allow for uses that serve neighborhood and community needs and that are generally accessible from major traffic ways, such as Jollyville Road and U. S. Highway 183 North. The addition of the 'MU' combining district will permit a mixture of residential and commercial uses to be developed on the site that may provide services to this site and the surrounding areas.

"Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date to maintain a setback from the residential and office uses to the west.

The property in question does **not** meet the intent of the MF-6 district. The purpose statement of the MF-6 zoning district declares, "Multifamily residence highest density district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired." **The site under consideration is not located within the central city near a major institution or employment center.**

2. *The proposed zoning should promote consistency and orderly planning.*

The staff's recommendation for GR-MU-CO zoning for Tract 1 will promote consistency and orderly planning because the subject tract is located adjacent to GR and GR-CO zoning to the north and east and to existing commercial uses office uses to the north, east and west.

The LO-CO zoning proposed for Tract 2 will allow for a 120-foot buffer of office uses along Jollyville Road to separate the intensive commercial uses fronting U.S. Highway 183/Research

Boulevard from the office and residential uses existing on the western side of Jollyville Road. There is existing LO zoning to a depth of 120-feet adjacent to this tract to the east and the west that is consistent with the intent of the policies applied in the U.S. 183/Jollyville Road Area Study

3 *Intensive multi-family zoning should be located on major arterials and highways.*

The property in question does **not** front onto U S Highway 183 North. The access for this property is located on Jollyville Road, across from a low density multifamily use, known as the Marquis Apartments. The staff's recommendation GR-MU-CO zoning for Tract 1 will allow the applicant to develop Tract 1 with multifamily residential uses that equate with MF-4, Multi-family Residence-Moderate-High Density District, zoning density in the Land Development Code. The MF-4 zoning district permits townhouse and apartment uses up to 54 units per acre. GR-MU zoning will allow for a maximum building height of 60 feet and a floor-to-area ratio of 1:1 on the site.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is currently undeveloped and contains several large trees. This tract of land currently takes access to Jollyville Road. It is located behind the Chuy's and Joe's Crab Shack restaurants, which front U. S. Highway 183 North. There is a medical office use located to the west (Orthopedic Associates) and an administrative/business office use to the east (Sunset Mortgage). The property to the south, across Jollyville Road, is developed with a low density multifamily/ 'MF-2 district' use (Marquis Apartments)

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%, the MF-6 zoning district would be 80%, and the LO zoning district would be 70%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq ft)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Environmental

The site is located over the northern Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 5,617 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Jollyville Road	106'	57'	Major Arterial	No	Yes	Priority 2

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, and utility relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin water and wastewater utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay all associated and applicable City fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available

Compatibility Standards

The site is not subject to compatibility standards

ALDERMAN/PACCONI
ARCHITECTURE DESIGN PLANNING

8/10/2006

2708 South Lamar Blvd.
Suite 200B
Austin, Texas 78702

Amelia Lopez-Phelps
611 S. Congress, Suite 340
Austin, TX 78704

Dear Amelia,

Here is the breakdown you requested for the Arboretum Retirement Community zone change application:

ZONING	PARKING SQUARE FOOTAGE*	PARKING SPACES**	CONDOMINIUM SQUARE FOOTAGE	NUMBER OF UNITS	POOL AMENITIES SQUARE FOOTAGE
GR-MU	136,059	390			
MF-6			214,914	130	
LO-MU					7,350

*3 Levels of Parking

**290 for Condominiums/100 for Chuy's

Please let me know if you have any questions.

Best Regards,



Stuart M. Alderman, Architect

PROPOSED GR-MU TRACT DESCRIPTION:

From 866 to 896 feet above mean sea level:

BEGINNING at 1/2" rod found in the northerly right-of-way line of Jollyville Road for the southeasterly corner of the proposed LO-MU tract as described in attached Exhibit "A" LOCATE a STARTING POINT N 31°25'00" E a distance of 125.08 feet for the starting point of the proposed GR-MU tract:

THENCE N 42°11'27" W a distance of 155.69 feet:

THENCE N 30°00'43" E a distance of 421.32 feet to a 1/2" iron rod as described in attached Exhibit "A":

THENCE S 59°52'39" E a distance of 159.71 feet to a 1/2" iron rod as described in attached Exhibit "A":

THENCE S 31°25'00" W a distance of 468.74 feet to the STARTING POINT.

PROPOSED MF-6 TRACT DESCRIPTION:

Same as above EXCEPT, 896 to 986 feet above mean sea level.



PROPOSED
GR-MU
68,644.70 sf
From 866 to 896 feet above mean sea level

PROPOSED
MF-6
68,644.70 sf
From 896 to 986 feet above mean sea level

PROPOSED
LO-MU TRACT DESCRIPTION:

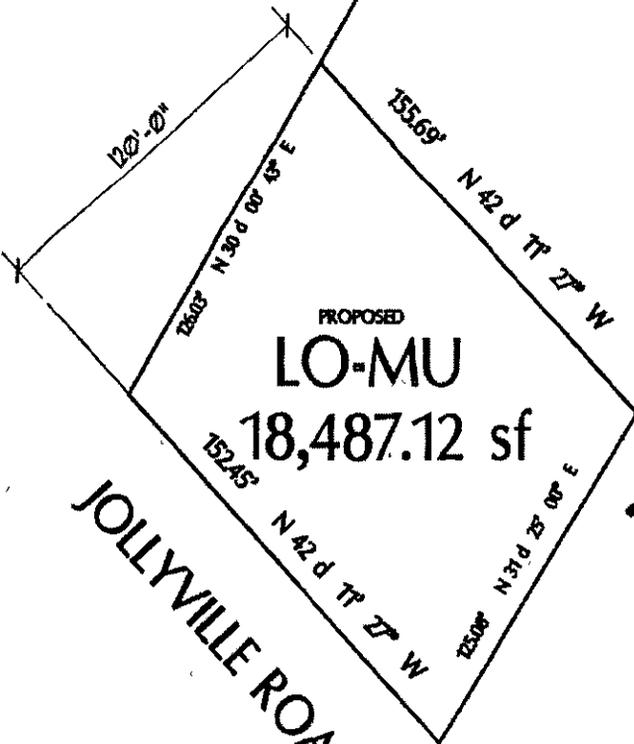
BEGINNING at 1/2" rod found in the northerly right-of-way line of Jollyville Road for the southeasterly corner of the proposed LO-MU tract as described in attached Exhibit "A":

THENCE N 31°25'00" E a distance of 125.08 feet:

THENCE N 42°11'27" W a distance of 155.69 feet:

THENCE S 30°00'43" W a distance of 126.03 feet to a 1/2" iron rod as described in attached Exhibit "A".

THENCE S 42°11'27" E a distance of 152.45 feet to the STARTING POINT.



JOLLYVILLE ROAD



Certified lot lines and proposed zoning line location

8-10-06
JOB NUMBER: 05062
FIELD NOTES

ALDERMAN/PACCONI ARCHITECTS

RECEIVED

OCT 12 2006

P E T I T I O N

Date: October 13, 2006

File Number: C14-06-0172

Address of Rezoning Request: 11601 Jollyville Road

Neighborhood Planning & Zoning

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than GR-MU (With a CO of 60' height maximum).

We sign this petition in protest for the following reasons.

- 1 The property in question does NOT meet the intent of the MF-6 district.
- 2 The site under consideration is not located within the central city near a major institution or employment center
3. To approve the applicant's request for MF-6 zoning in this area would set a dangerous precedent. MF-6 should be used only as it was intended To allow the applicant to seek a variance through the Board of Adjustment does not follow the spirit of the law. They would have to prove hardship (and not financial hardship). They have no valid basis for their application.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<i>[Handwritten Signature]</i>	DAVID F. HENGES	11603 Jollyville Rd #101
<i>[Handwritten Signature]</i>	Mrs. Judith Henges	11603 Jollyville Rd, Ste #101
<i>[Handwritten Signature]</i>	MARIO MARIQUEZ	5338 Thunder Creek Rd.
<i>[Handwritten Signature]</i>	Kenneth W. Kirby	5346 Thunder Creek Ct

Date: October 13, 2006
 Contact Name: Leslie Henges Dolliver
 Phone Number: 512-263-5665

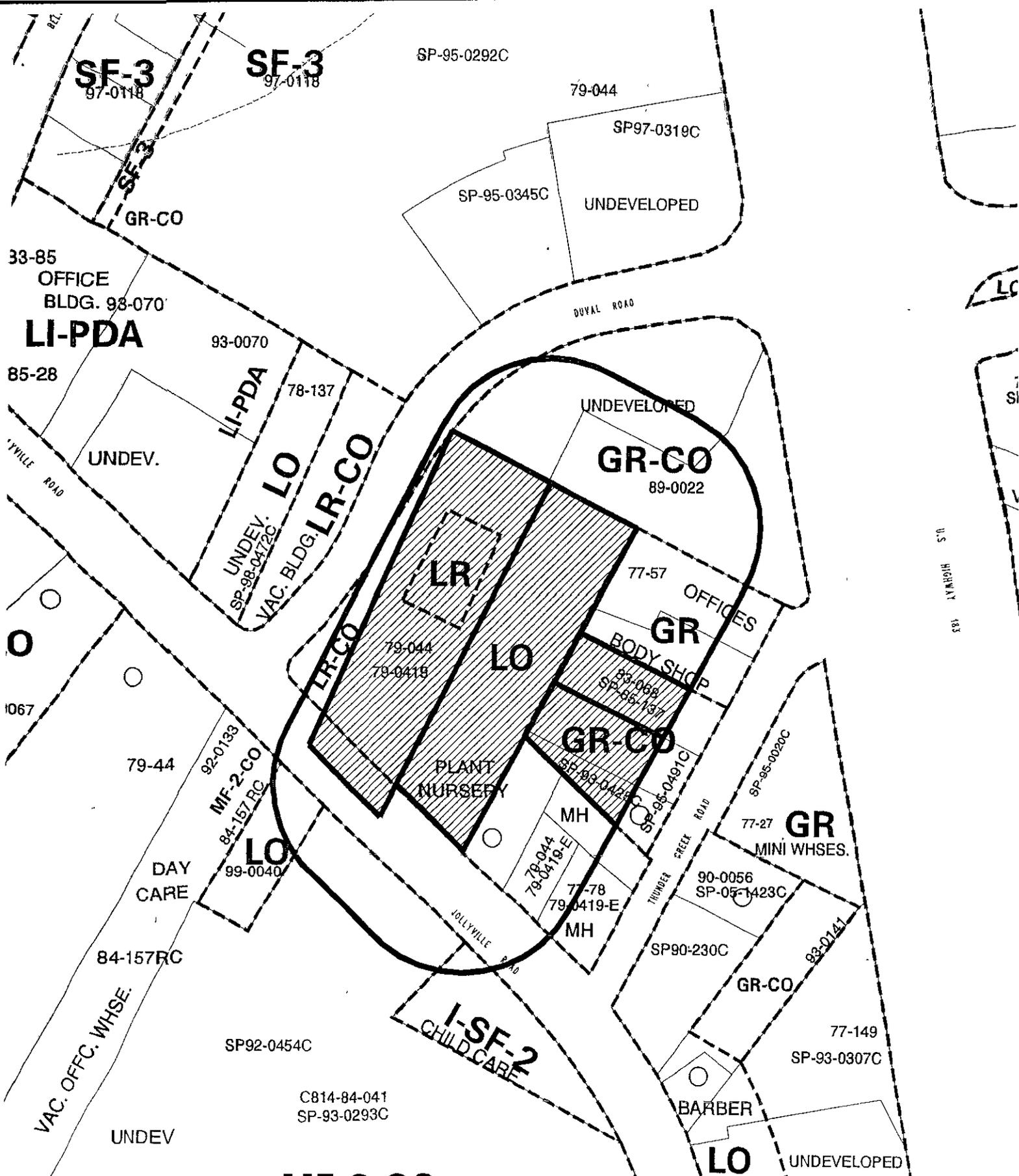
PETITION

Case Number **C14-06-0172** Date Oct 19, 2006

Total Area within 200' of subject tract: (sq. ft) 415,735.86

1	<u>01-6201-0912</u>	HENGES DAVID FAULKNER & JUDITH	<u>97,784.49</u>	<u>23.52%</u>
2	<u>01-6201-0906</u>	KIRKBY KENNETH W & ANN MARIE	<u>26,212.32</u>	<u>6.31%</u>
3	<u>01-6201-0904</u>	KIRKBY KENNETH W & ANN MARIE K	<u>18,007.52</u>	<u>4.33%</u>
4				<u>0.00%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>

Validated By:	Total Area of Petitioner:	Total %
<u>Stacy Meeks</u>	<u>142,004.33</u>	<u>34.16%</u>



<p>1" = 200'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR. S SIRWAITIS</p>	<p>PETITIONS</p> <p>CASE #: C14-06-0172</p> <p>ADDRESS: 11601 JOLLYVILLE RD</p> <p>SUBJECT AREA (acres): 2</p>	<p>DATE 06-10</p> <p>INTLS SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>J35</p>
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"Attachment B"

Sirwaitis, Sherri

From: Betty Malmstad [REDACTED]

Sent: Thursday, November 23, 2006 10:39 AM

To: [REDACTED]
[REDACTED]
[REDACTED] nez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina; [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert, Corpus, Grace, Futrell, Toby, [REDACTED] Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny, Sirwaitis, Sherri

Subject: Say No to Arboretum Tower Part 2

November 23, 2006

I am against the Arboretum Tower. Please listen to us. Dr. Betty J. Malmstad.

11/27/2006

Sirwaitis, Sherri

From: K. Taylor [REDACTED]
Sent: Tuesday, November 21, 2006 12 11 AM

To: [REDACTED]
[REDACTED], Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl, Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer, Leffingwell, Lee; Haines, Dina; [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED] evinski, Robert; Corpus, Grace; Futrell, Toby, [REDACTED] Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew, Robbins, Beverly, Thompson, Kenny; Sirwaitis, Sherri

Subject: Case # C14-06-0172

Dear Mayor and Members of the Austin City Council and other City Officials,
I have been a resident of Austin since 1976, so I have seen the many changes to Austin, both good and bad. My husband and I have lived at 11504 Natrona Cove, in the Mesa Park subdivision, since 1978.

I am writing to ask that you say a resounding NO to the rezoning request referenced above. The "Arboretum Tower Project" is not, as it sounds, part of the Arboretum shopping and business area, but is in reality farther down Jollyville Road, in a pleasant neighborhood of mixed residences and businesses. The existing businesses have all complied with the present zoning requirements, and make for a harmonious and human-scaled neighborhood.

It is my understanding that all of the surrounding neighborhoods have joined together in opposition to this high-rise building. None of us want our northwest Austin suburb to become known as "Little Houston," because as you know, once a precedent has been set, other zoning variance requests will follow.

You can prevent this eyesore from blighting our area by NOT granting the wishes of a very determined developer. I certainly don't have to tell you how many voting citizens comprise SIX NEIGHBORHOODS who are just as determined that this too-tall building will not be welcome here.

Thank you for reading my letter.
Sincerely,
Amy Taylor

11/21/2006

Sirwaitis, Sherri

From: Beverly O'Malley [REDACTED]

Sent: Friday, November 17, 2006 9 51 AM

To: [REDACTED]
[REDACTED]; Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; Haines, Dina, [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby, [REDACTED] Mormon, Andy; May, Rachel, [REDACTED], Moore, Andrew; Robbins, Beverly; Thompson, Kenny, Sirwaitis, Sherri

Subject: Say No to Arboretum Tower Part 2

This project is not appropriate for north Austin. We chose to live in this area because it does NOT have high density housing. It will negatively impact traffic, schools, property values and taxes. Thanks to toll roads, living out in outlying areas is not an appealing option. It is not affordable housing and more high priced condo's are not what this area of Austin needs. High density housing can stay downtown where high rise buildings are appropriate to the area. There are housing options that are needed in this area, but a luxury condo is not one of them!

11/17/2006

Sirwaitis, Sherri

From: Szerszen, Carol [REDACTED]
Sent: Thursday, November 16, 2006 12:40 PM
To: [REDACTED]
[REDACTED]
[REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; [REDACTED] Guilera, Gloria; Bailey, Rich; [REDACTED] evinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED] nes, Dina; Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri
Subject: Say No to Arboretum Tower Part 2

Dear Planning Commission members

I am a resident of the Champions Forest subdivision. I would like to express my opposition to the rezoning of the land parcel at Jollyville and Duval for the Arboretum Tower residential project. This proposed project is inappropriate for the area, and will do nothing more than lead to further congestion on the already ridiculously congested Duval Road. If any of you have been to this area of Austin, you will note that no building in the area, including office buildings and hospitals, is over 5 or 6 stories. This extremely high density Arboretum Tower project has no place in a neighborhood of primarily single family homes and low density apartment complexes. As I stated previously, Duval Road has become far too congested, and I don't think that when this street was planned, it was envisioned as a main thruway for Northwest Austin. Much of the traffic on Duval is cut-through traffic from Parmer and Mopac, and during rush hours, I typically have to wait five or six minutes at Whispering Valley to make even a right turn onto Duval. Left turns have become almost impossible.

Thank you for your consideration.

Carol Szerszen
12003 Charm Circle
Austin TX 78727
512-346-4776

11/16/2006

Sirwaitis, Sherri

From: Haught, Kathy on behalf of Devweb
Sent: Monday, November 13, 2006 5:15 PM
To: Sirwaitis, Sherri
Subject: FW devweb - No Tower - Case # C14-06-0172

Fyi - this came to the City website
Kathy

From: [REDACTED]
Sent: Monday, November 13, 2006 11:36 AM
To: Devweb
Subject: devweb - No Tower - Case # C14-06-0172

Date/Time Submitted: Monday, 11/13/06, 1135 hours

From: Jeanette & Joyce Hall

E-mail address: [REDACTED]

Subject: No Tower - Case # C14-06-0172

Comments:

This is for the Zoning & Planning Commission

I am writing to you about Case #: C14-06-0172. My home address is 11507 Natrona Cove, Austin, TX 78759 I only now found out about the proposed tower in my neighborhood. If I had known earlier, you surely would have heard from me. NO TOWER - NO TOWER, PLEASE, NO TOWER. Please do not let Austin turn into Houston! Only you have the power to control our growth and keep the charm that is uniquely Austin. I understand that progress will come no matter what and I am not against it. You must consider the surrounding area and the people who live there. This is my first home and I cherish it more than others may cherish their homes. The proposed tower will have a severe negative affect on homeowners in that area. Please do not allow this precedent to be set. We should not go in the direction of spot-zoning projects. Remember those who have lived in Austin for a very long time and want Austin to continue to be a place we love. In closing, look at the history of the project. This is the second time around for these folks. The first projected site was Pavilion. They did not get their way there so they moved on. This would not be acceptable in Hyde Park, Clarksville, Pemberton or Tarrytown. Why should it be acceptable to Northwest Austin? I urge you to vote against this! Jeanette Hall Executive Asst. to James Street The James Street Group 800-765-1660 phone 512-469-7637 fax [REDACTED]

11/14/2006

Sirwaitis, Sherri

From: [REDACTED]
Sent: Monday, November 13, 2006 12:47 PM
To: Sirwaitis, Sherri, Thompson, Kenny; Robbins, Beverly, Moore, Andrew;
[REDACTED] May, Rachel; Mormon, Andy, Haines, Dina;
[REDACTED] Futrell, Toby, Corpus, Grace; Levinski, Robert;
[REDACTED] Bailey, Rich; Aguilera, Gloria; [REDACTED]
Dina, Leffingwell, Lee; Kim, Jennifer, McCracken, Brewster; Dunkerley, Betty; Wynn, Will; Cole,
Sheryl; [REDACTED] Martinez, Mike [Council Member]; [REDACTED]
[REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: Case #: C14-06-0172

My husband and I live at 11505 Natrona Cove (Mesa Park Community) and have lived at this address since 1975. When our home was bought, we were just outside the city limits and have seen this area grow. We realize that growth is necessary to any community but do not feel that a tower of 12 stories is justifiable for this part of Austin. Our children were raised in the Mesa Park area and now have homes in this area also (Balcones Woods and Oak Knoll). It is our desire to make sure our grandchildren also have the quiet neighborhood that we were able to give their parents.

Please vote against the tower that is brought before you. We do not want nor need this type of facility in our area.

Thank you for your consideration

Jan and Bob Ekrut
Retired, IBM Austin
11505 Natrona Cove
Austin, TX 78759
512-345-9516

11/13/2006

Sirwaitis, Sherri

From: Jeanette Hall [REDACTED]
Sent: Monday, November 13, 2006 11:11 AM
To: Sirwaitis, Sherri, Thompson, Kenny; Robbins, Beverly; Moore, Andrew;
 [REDACTED] May, Rachel, Mormon, Andy; Haines, Dina;
 [REDACTED] Futrell, Toby; Corpus, Grace; Levinski, Robert;
 [REDACTED] Bailey, Rich, Aguilera, Gloria, [REDACTED]
 Haines, Dina, Leffingwell, Lee; Kim, Jennifer, McCracken, Brewster; Dunkerley, Betty; Wynn,
 Will; Cole, Sheryl, [REDACTED] Martinez, Mike [Council Member]; [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: Say No to Arboretum Tower Part 2 Case #: C14-06-0172
Importance: High

Dear Ladies and Gentlemen,

I am writing to you about **Case #: C14-06-0172**. My home address is 11507 Natrona Cove, Austin, TX 78759. I only now found out about the proposed tower in my neighborhood. If I had known earlier, you surely would have heard from me. **NO TOWER - NO TOWER, PLEASE, NO TOWER.**

Please do not let Austin turn into Houston! Only you have the power to control our growth and keep the charm that is uniquely Austin. I understand that progress will come no matter what and I am not against it. You must consider the surrounding area and the people who live there. This is my first home and I cherish it more than others may cherish their homes. The proposed tower will have a severe negative affect on homeowners in that area.

Please do not allow this precedent to be set. We should not go in the direction of spot-zoning projects. Remember those who have lived in Austin for a very long time and want Austin to continue to be a place we love.

In closing, look at the history of the project. This is the second time around for these folks. The first projected site was Pavilion. They did not get their way there so they moved on. This would not be acceptable in Hyde Park, Clarksville, Pemberton or Tarrytown. Why should it be acceptable to Northwest Austin?

I urge you to vote against this!

Jeanette Hall
 Executive Asst. to James Street
 The James Street Group

11/13/2006

800-765-1660 phone

512-469-7637 fax

[REDACTED]

Sirwaitis, Sherri

From: Charlie Smith [REDACTED]
Sent: Monday, November 13, 2006 10 28 AM
To: Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew, Robbins, Beverly;
Thompson, Kenny; Sirwaitis, Sherri
Subject: FW: Say No to Arboretum Tower Part 2

Subject: Say No to Arboretum Tower Part 2

We must not allow a Houston-type zoning variance be approved for this northwest area of Austin and Jolleyville Rd. As a 15 year resident of West Cow Path, I know how hard we've worked to guide responsible development in our area. Most notably was work to guide the developers of the Riata property to respect what we enjoy in NW Austin—nice neighborhoods with open areas, low traffic and responsible, thoughtful, low-impact surrounding development. A high-rise building of ANY height above current limitation is a very bad precedent that will undoubtedly open the floodgates of spot-developers building other similarly tall buildings in our area. **NOT IN OUR NEIGHBORHOOD! WE DON'T WANT THIS "SORE THUMB" STICKING OUT NEAR OUR HOMES!** Please vote against supporting this unsightly and ill-conceived project.

Charles L. Smith

11/13/2006

Sirwaitis, Sherri

From: Linda Moeller [REDACTED]

Sent: Friday, November 10, 2006 1:27 PM

To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member]; Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina, [REDACTED] Aguilera, Gloria, Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby, Mormon, Andy; May, Rachel, [REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny; Sirwaitis, Sherri, [REDACTED]

Subject: Reference Case # C14-06-0172 - No to Arboretum Tower !

Please deny the request to build a 12-story condo tower at Duval and Jollyville.

The project is now being called the Arboretum Tower Project Its case number is C15-06-143

The 183/Duval/ Jollyville area already has too much traffic congestion and is prone to flood with only slight rainfall This area has always had problems with standing water and paving over more land will make the problem worse It is very close to Davis Elementary and more traffic would pose a safety risk to students.

I understand that the current zoning only allows for 40 feet max height for commercial buildings all up and down the 183 / Jollyville corridor. The developer must make several changes to the current zoning to be able to build his tower, which the chair of the zoning commission said amounted to spot zoning and would be illegal by definition.

Please consider the future consequences if this project is allowed to be built as the developer wishes. This will open up the door for anyone to come into this area and easily build tall buildings on any small tract of land. A precedent will have been set and others will surely follow. There are still plenty of open spaces to be developed.

Developers must play by the rules just like everyone else and if they want to build a high rise it should be done in an area that is appropriate.

Sincerely,

Linda Moeller

4605 Whispering Valley Dr. 78727

512-794-1087

512-223-4879

11/13/2006

Sirwaitis, Sherri

From: Sharon Garduno [REDACTED]

Sent: Friday, November 10, 2006 9 39 AM

To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl, Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; [REDACTED] Ailey, Rich; [REDACTED] Levinski, Robert, Corpus, Grace; Futrell, Toby; [REDACTED] Haines, Dina, Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew, Robbins, Beverly, Thompson, Kenny, Sirwaitis, Sherri

Subject: Reference Case # C14-06-0172 -- Say No to Arboretum Tower Project

Dear City Council Members:

I oppose the Arboretum Tower Project. Rezoning is not appropriate and would negatively impact the neighborhood atmosphere. Please vote no on the rezoning request.

Sharon Garduno
Angus Valley Resident

Sirwaitis, Sherri

From: shawn sanders [REDACTED]
Sent: Thursday, November 09, 2006 11:35 PM
To: [REDACTED]
[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina; [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED]; Levinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED] Haines, Dina; Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny, Sirwaitis, Sherri

Subject: Say No to Arboretum Tower Part 2

Ladies and Gentlemen,
RE: C12-06-0172

As a resident near the proposed building site, my family and I humbly request that permission to build be granted only within the zoning guidelines already in place.

Our many thanks for your consideration,
Dawn, Lilli and Shawn Sanders
4909 Craig Drive
Austin 78727

Sirwaitis, Sherri

From: Elizabeth Moseley [REDACTED]
Sent: Thursday, November 09, 2006 6:34 PM
To: [REDACTED]
[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty, McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina; [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED] Haines, Dina; Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew, Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherr

Subject: Say No to Arboretum Tower Part 2

This project is not appropriate for the 183 & Duval area and I urge you not to approve it. A high rise/high density building would have a significantly negative impact on the area. I do not relish the thought that Austin will begin to look much like Houston with no consistency in zoning and approval sold to the highest bidder.

Sincerely,

Elizabeth Moseley
5207 Branding Chase
Austin, Texas 78727

Sirwaitis, Sherri

From: Carl-and-Chris Willmann [REDACTED]

Sent: Thursday, November 09, 2006 3:05 PM

To: [REDACTED]
[REDACTED]
[REDACTED]; Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl, Wynn, Will; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; Haines, Dina; [REDACTED]; Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby, [REDACTED] Haines, Dina; Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri

Subject: Say No to Arboretum Tower Part 2

Dear City Council,

I am a long time Mesa Park resident and I vote NO for the Arboretum Tower.

Thank you,
Chris

Sirwaitis, Sherri

From: Peggy H. Francisco [REDACTED]

Sent: Thursday, November 09, 2006 8:17 AM

To: [REDACTED]
[REDACTED]
[REDACTED]; Martinez, Mike [Council Member], [REDACTED], Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; [REDACTED]; Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED] Haines, Dina; Mormon, Andy; May, Rachel, [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny, Sirwaitis, Sherri

Subject: Say No to Arboretum Tower Part 2

It is my understanding zoning ordinances are to protect existing landowners. If a developer has enough \$\$\$\$\$, they are in a position to BUY zoning commissioners affirmative votes for any project regardless of home or business owners concerns or whether the existing infrastructure can support the zoning changes.

P H. Francisco
P O. Box 200819
Austin, TX 78720

Sirwaitis, Sherri

From: Cecilia Cervantes [REDACTED]
Sent: Wednesday, November 08, 2006 10 05 PM
To: [REDACTED]
[REDACTED]
[REDACTED] rtinez, Mike [Council Member]; [REDACTED]
[REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty, McCracken, Brewster; Kim, Jennifer;
Leffingwell, Lee; Haines, Dina; [REDACTED] Aguilera, Gloria, Bailey, Rich;
[REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED]
[REDACTED] Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew;
Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri
Subject: Say No to Arboretum Tower Part 2

As a tax paying, voting citizen who lives near the proposed Arboretum Tower, I wish my disapproval to be known and counted. The sky should not be the limit here. The integrity of the neighbor needs to be preserved and protected. If the citizens of this region wanted to live in an area with high rises, we would have moved downtown. Building the tower in this area would be outrageous. The building contractors in Austin are way out of control. Their greed is ruining this city. The City Council must stop and realize who they represent and protect us from this runaway construction madness.

Respectfully,
Cecilia Cervantes, MD

Sirwaitis, Sherri

From: Walter Slotboom [REDACTED]
Sent: Wednesday, November 08, 2006 9:14 PM
To: [REDACTED]
[REDACTED] tinez, Mike [Council Member], Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina; [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace, Futrell, Toby; Haines, Dina, Mormon, Andy; May, Rachel; [REDACTED]; Moore, Andrew, Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri, notower12@hotmail.com
Subject: opposition to Case # C14-06-0172 Arboretum Tower Part 2

Dear City Council Members:

Reference Case # C14-06-0172
No to Arboretum Tower Part 2

Please be aware of my family's opposition to Arboretum Tower Part 2 (Reference Case # C14-06-0172). We feel this level of construction is out of character for the residential nature of the surrounding neighborhood

Regards,
Walter Slotboom
12105 Shetland Chase
Austin TX 78727

Sirwaitis, Sherri

From: Nancy Elder [REDACTED]
Sent: Wednesday, November 08, 2006 9:46 AM
To: [REDACTED]
[REDACTED] Martinez, Mike [Council Member]; [REDACTED]
[REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty, McCracken, Brewster; Kim, Jennifer,
Leffingwell, Lee; Haines, Dina; [REDACTED] guilera, Gloria; Bailey, Rich;
matt.curtis@ci.austin.tx.us; Levinski, Robert; Corpus, Grace; Futrell, Toby, [REDACTED]
[REDACTED] Haines, Dina, Mormon, Andy, May, Rachel; [REDACTED]
Subject: Moore, Andrew, Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri
Arboretum Tower Project, Case #. C14-06-0172
Importance: High

Dear City Council and Zoning Committee member,

Please do not vote for this project as described as a 12 story tower. A 4 story (as zoned) or even 6 story condominium project is tolerable in that location. The neighborhoods along that part of the Jollyville/183 corridor need to be protected from that level of development that is out of proportion and will have a negative impact on our neighborhoods.

Again, please respect the zoning that is already in place and do not vote for a 9 or 12 story building in an area that is zoned for 4 story. We welcome his development if it conforms to the 4 story zoning that is provided for

Thank you for your consideration.
Regards,
Nancy Elder

Nancy Elder
4704 Pony Chase
Austin, TX 78727
512-336-5599
[REDACTED]

Sirwaitis, Sherri

From: sheila harnett [REDACTED]

Sent: Wednesday, November 08, 2006 8:41 AM

To:

[REDACTED]
 [REDACTED]
 [REDACTED] Martinez, Mike [Council Member]; Cole, Sheryl; Wynn, Will; Dunkerley, Betty, McCracken, Brewster; Kim, Jennifer, Leffingwell, Lee, Haines, Dina; [REDACTED] Aguilera, Gloria, Bailey, Rich; [REDACTED] Robert; Corpus, Grace; Futrell, Toby; Haines, Dina; Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny; Sirwaitis, Sherri; [REDACTED]

Subject: Reference Case # C14-06-0172

To Austin City Council Members,

*I am writing to inform the council that as a resident in the Angus Valley subdivision, I am absolutely **AGAINST** the proposed spot zoning variance to allow the developers to erect a building over the current maximum ordinance of 40'.*

I have heard the argument that there are not substantial single family homes in the vicinity, but this is absolutely not true. There are many hundreds of single family homes in neighborhoods within even one mile of the proposed location, none of which want to have the proposed condo towers as a part of their daily view. It would be out of place in this growing part of Austin. Just take a look at all the single family zoned neighborhoods in the adjoining areas <http://maps.google.com/maps?f=q&hl=en&q=11601+jollyville+rd,+austin,+tx,+78759&ie=UTF8&z=15&t=h&om=1>

Even more concerning, if approved this project would serve as precedent for similar variances to be granted making Northwest Austin the target of development of similar projects requiring spot zoning on the many, remaining small tracts of land nestled in with other adjoining SF-1 zoned neighborhoods. I do not want this to happen in the part of Austin I love and have chosen to live.

I believe in community involvement with the city council and hope lending my voice makes a difference in persuading you to not approve the current proposal.

I urge the city council to **NOT APPROVE NOR RECOMMEND** the project as currently proposed, and hold the developers to the current zoning maximum allowable height of 40'.

Please hear the voices of the many residents in this part of Austin that are against the current proposal.

Sincerely,

Sheila Harnett

12304 Deer Track
 Austin, TX 78727

11/8/2006

Sirwaitis, Sherri

From: Monte Copeland [REDACTED]

Sent: Wednesday, November 08, 2006 8:01 AM

To: [REDACTED]
[REDACTED] Martinez, Mike [Council Member]; Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina; [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby, Haines, Dina, Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny; Sirwaitis, [REDACTED]

Subject: no tower on Jollyville

Re: case # C14-06-0172

Please make no exceptions to current zoning with regard to hi-rise buildings along Jollyville Rd near the Arboretum
Such a building makes better sense in downtown, promoting density there.

No tower.

Monte Copeland
IBM Systems & Technology Group
Global Firmware, Austin, TX
512-838-6005 TL 678-6005

11/8/2006

Sirwaitis, Sherri

From: [REDACTED]

Sent: Tuesday, November 07, 2006 8:37 PM

To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member]; Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; Haines, Dina;
[REDACTED] Aguilera, Gloria; Bailey, Rich, [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby; Haines, Dina; Mormon, Andy; May, Rachel,
[REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny; Sirwaitis, Sherri; [REDACTED]

Subject: Reference Case # C14-06-0172

Please vote NO for zoning change.

John Bramlett
12002 Cactus Bend
Austin, TX 78727

11/8/2006

Subj. **FW: Case # C14-06-0172 Arboretum Retirement Community**
 Date 10/26/2006 6:53:48 P M. Central Standard Time
 From: gayle.sheehan@alumni.utexas.net
 To: DeNucciandCo@aol.com

Patti,

Here is the email I sent

Gayle

From: Gayle Sheehan <gayle.sheehan@alumni.utexas.net>
 Date: Thu, 12 Oct 2006 21:34:06 -0500
 To: <bbaker@austintexas.org>; <chammond1@austin.rr.com>; <Pinnelli@flash.net>; <jay@jaygohilrealty.com>; <josephmartinez@yahoo.com>; <kbjackson@pbsj.com>; <shieh1@aol.com>; <info@swwhconsulting.com>; <trabago@austin.rr.com>; <Mike.Martinez@ci.austin.tx.us>; <Sheryl.Cole@ci.austin.tx.us>; <will.wynn@ci.austin.tx.us>; <betty.dunkerley@ci.austin.tx.us>; <brewster.mccracken@ci.austin.tx.us>; <jennifer.kim@ci.austin.tx.us>; <lee.leffingwell@ci.austin.tx.us>; <dina.haines@ci.austin.tx.us>; <richard.arellano@ci.austin.tx.us>; <gloria.aguilera@ci.austin.tx.us>; <rich.bailey@ci.austin.tx.us>; <matt.curtis@ci.austin.tx.us>; <robert.levinski@ci.austin.tx.us>; <grace.corpus@ci.austin.tx.us>; <Toby.Futrell@ci.austin.tx.us>; <Andy.Mormon@ci.austin.tx.us>; <Rachel.May@ci.austin.tx.us>; <Robert.A.Garza@ci.austin.tx.us>; <Andrew.Moore@ci.austin.tx.us>; <Beverly.Robbins@ci.austin.tx.us>; <Kenny.Thompson@ci.austin.tx.us>; <Sherri.Sirwaitis@ci.austin.tx.us>
 Subject: Case # C14-06-0172 Arboretum Retirement Community

In regard to Case # C14-06-0172 Arboretum Retirement Community: This condominium project for active seniors is much needed in such a convenient close-in area of Austin. As the population accelerates in the 55+ age group, we are looking for ways to continue to live in the city without the responsibilities of maintaining a home. I hope you will support this project.

Thank you,

Gayle Sheehan

Subj Fwd: Case # C14-06-0172 Arboretum Retirement Community
Date 10/31/2006 8:36:29 A.M. Central Standard Time
From vberger@austin.rr.com
To DeNucciandCo@aol.com

It took me a while but here is my support for the project. Good luck

Begin forwarded message:

From: Vernon Berger <vberger@austin.rr.com>
Date: October 12, 2006 1 43:38 PM CDT

To:

<bbaker@austintexas.org><chammond1@austin.rr.com><Pinnelli@flash.net><jay@jaygohilrealty.com><josephmartinez@yahoo.com><kbjackson@pbsj.com><shieh1@aol.com><info@swiconsulting.com><trabago@austin.rr.com><Mike Martinez@ci.austin.tx.us><Sheryl Cole@ci.austin.tx.us><will.wynn@ci.austin.tx.us><betty.dunkerley@ci.austin.tx.us><brewster.mccracken@ci.austin.tx.us><jennifer.kim@ci.austin.tx.us><lee.leffingwell@ci.austin.tx.us><dina.haines@ci.austin.tx.us><richard.arelano@ci.austin.tx.us><gloria.aguilera@ci.austin.tx.us><rich.bailey@ci.austin.tx.us><matt.curtis@ci.austin.tx.us><robert.levinski@ci.austin.tx.us><grace.corpus@ci.austin.tx.us><Toby.Futrell@ci.austin.tx.us><Dina.Haines@ci.austin.tx.us><Andy.Mormon@ci.austin.tx.us><Rachel.May@ci.austin.tx.us><Robert.A.Garza@ci.austin.tx.us><Andrew.Moore@ci.austin.tx.us><Beverly.Robbins@ci.austin.tx.us><Kenny.Thompson@ci.austin.tx.us><Sherril.Sirwaitis@ci.austin.tx.us>

Subject: Case # C14-06-0172 Arboretum Retirement Community

Case # C14-06-0172 Arboretum Retirement Community

I am for this project because of the need to create high density living to prevent or slow the urban expansion and create affordable housing closer in. Higher density would help create a better plan for a mass transit system and slow pollution from less car exhaust. The sooner the public gets educated to not use the car and save oil depletion the better chance to better health.
 Vernon Berger

=

Sirwaitis, Sherri

From: Teresa Wood [REDACTED]

Sent: Tuesday, October 24, 2006 12 56 PM

To: [REDACTED]
Moore, Andrew; Mormon, Andy, Dunkerley, Betty; Robbins, Beverly, McCracken, Brewster; Haines, Dina, Aguilera, Gloria; Corpus, Grace, Kim, Jennifer, Thompson, Kenny; Leffingwell, Lee; [REDACTED] Martinez, Mike [Council Member], May, Rachel, Bailey, Rich, [REDACTED] Levinski, Robert; Sirwaitis, Sherri, Cole, Sheryl, Futrell, Toby, Wynn, Will, [REDACTED]
[REDACTED]
[REDACTED]

Subject: Case # C14-06-0172

I am against even a 6 story building in NW Austin. Have you seen the traffic on 183? Try driving it. Try Duval. People try to run over our childer crossing Duval.

What about Parmer? That used to be a decent street. I spent 30 minutes going from Metric to Lamar this morning and there wasn't an accident. Stop this over building now before things become completely unlivable.

Sirwaitis, Sherri

From: J Canady [REDACTED]
Sent: Saturday, October 21, 2006 11:23 AM

To: [REDACTED]
 [REDACTED] Martinez, Mike [Council Member]; Cole, Sheryl, Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina, [REDACTED] Aguilera, Gloria; Bailey, Rich, [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby; Mormon, Andy; May, Rachel, [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri; [REDACTED]

Subject: Case # C14-06-0172

I am **outraged** to hear about zoning changes in NW Austin to accommodate a 12-story condominium, or even a 6-story structure!

Has anyone in the City Council ever driven through the Arboretum/Duval/183 area during morning or evening rush hour? It's a total mess. Duval is a shortcut around the Arboretum nightmare that was created by the 360 and Mopac intersection with 183, and the constant retail/commercial development. We cannot enter or exit our neighborhood without dangerous traffic risk. This situation has been aggravated by the commercial development at Duval and Mopac, the apartment complex on Duval at Amherst, the restaurant row on 183 at Duval, and the most recent entry/exit created for National Instruments. **Duval has become a freeway**, and yet a long-standing blue-ribbon elementary school is situated on Duval, along with a fire station. Small children ride their bicycles or attempt to cross Duval to attend school. The posted speed limit of 35 MPH is constantly violated with speeds up to 60 MPH. It takes 2-3 signal changes to move from Duval to 183 or Duval to Mopac.

To complicate matters, the overdevelopment of the area at 183 and 620 has created a traffic snarl that extends for miles, impassable except through residential areas. No one wants to sit in traffic - life is short, so shortcuts will be found through previous pristine areas where the deer and the children play.

Developers are ruining my fair city, which I have enjoyed for over 30 years, profiting without paying their share of the tax base. They've run off the wildlife in favor of shopping malls that are soon to be abandoned as an unfavorable passe trend. Environmentalists fought hard to retain the area now known as Lakeline Mall and lost, only to watch the entire surrounding area covered in concrete. Doesn't Austin have enough places to shop without having another store with the same stuff just 5 miles away? Don't people have anything better to do than buy crap they don't need?

Does the City Council really understand what is meant by the Austin quality of life that is advertised across the nation, bringing millions into this city already bulging at the seams, suffering from air pollution previously only experienced in places like Los Angeles and Houston? I don't think so.

Get off your duffs and do what you were elected to do - protect our quality of life before it's totally gone.

I could go on... it's so disgusting, I feel sick and want to take my taxes elsewhere!

Jennifer Canady

10/23/2006

Sirwaitis, Sherri

From: Doug Brooks [REDACTED]

Sent: Saturday, October 21, 2006 11:18 AM

To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; Haines, Dina; [REDACTED], Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert, Corpus, Grace; Futrell, Toby, [REDACTED] Haines, Dina; Mormon, Andy; May, Rachel, [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny, Sirwaitis, Sherri

Subject: Case # C14-06-0172

I would like to register my opinion concerning the Pavilion Tower / Arboretum Tower project. There are some who might agree with a scaled down six story version of the development but I believe even that is too much for our residential area.

I am a resident of Champions Forest subdivision off Duval Road between US Hwy 183 and Mopac. The infrastructure in our area has been pushed to the breaking point. The encroachment of higher density development and the resulting increased traffic on Duval Road in particular, and the surrounding residential neighborhoods in general, must be stopped.

This is not a case of "anywhere but here." Regarding this type of development, the concepts of *homogeneity and property value protection* mean nothing if developers are not held to reasonable standards. What are deed restrictions and zoning regulations for if homeowners cannot rely on our city's planners to stand up for us when push comes to shove?

If our residential neighborhoods are not deserving of protection from this kind of development, then which neighborhoods are and why are they deserving and not us?

Doug C. Brooks

10/23/2006

Sirwaitis, Sherri

From: Kathleen S Yancy [REDACTED] on behalf of [REDACTED]
Sent: Friday, October 20, 2006 8:48 AM
To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty, McCracken, Brewster, Kim, Jennifer, Leffingwell, Lee, Haines, Dina, [REDACTED] Aguilera, Gloria, Bailey, Rich [REDACTED] Levinski, Robert, Corpus, Grace, Futrell, Toby; [REDACTED] Haines, Dina; Mormon, Andy, May, Rachel, [REDACTED] Moore, Andrew, Robbins, Beverly, Thompson, Kenny, Sirwaitis, Sherri
Subject: Case# C14-06-0172
Importance: High

Good morning, everyone! I'm writing in regard to the Rezoning Request of Developer Paul DeNucci for a small lot on Jollyville Road near Duval Road in NW Austin. I live in one of the single family neighborhoods nearby. I am a homeowner and a member of my homeowners association, and a registered voter and taxpayer.

Mr. DeNucci has already tried to persuade you to rezone another piece of property where he wanted to build a 12 story condo tower (near Research Blvd and Hunters Chase, a little farther north of the current site). The homeowners in that neighborhood were rightfully horrified, and they successfully convinced you not to grant that rezoning request. Now Mr. DeNucci is back, trying to ruin another single family neighborhood.

Although this piece of property is bounded by commercial (business or restaurant) and multi-family uses, the single family homes are only ONE BLOCK away. It is absolutely inappropriate to consider allowing the construction of a 12 story condo tower! Would you permit that in your neighborhood? I doubt it.

With the influx of new businesses [many of them retail establishments] in recent years in this area, we have seen an accompanying increase in property crimes. Vehicle break-ins and theft are now routine in this neighborhood on the weekends, and the police tell us that when they increase enforcement in one neighborhood, the thieves just move a few blocks away and keep breaking into or stealing cars. Who among you believes that allowing 12 story buildings in this area will improve this situation?

Please help us to preserve our homes!

Thank you for your attention.

Kathy Yancy, Secretary
Champions Forest HOA

10/23/2006

Sirwaitis, Sherri

From: caradocs [REDACTED]

Sent: Thursday, October 19, 2006 10 02 PM

To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl, Wynn, Will; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee, Haines, Dina; [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby, [REDACTED] Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny, Sirwaitis, Sherri

Cc: [REDACTED]

Subject: CaseC14-06-0172 - The Arboretum Tower Project

I live in Mesa Park - just the other side of 183 from the proposed 12 story tower. I am vehemently opposed to this construction. It will "Houstonize" an area that is surrounded by neighborhoods and totally change the character of this area.

Traffic is already congested on Jollyville and adding a highly concentrated 12 story apartment complex will overtax our already overburdened traffic system

Sandra McCutcheon
[REDACTED]
11604 Santa Cruz Drive
Austin, Texas 78759

Sirwaitis, Sherri

From: Pamela Villars [REDACTED]
Sent: Wednesday, October 18, 2006 7:26 PM
To: [REDACTED]
[REDACTED]
[REDACTED], Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer, Leffingwell, Lee, Haines, Dina; [REDACTED], Aguilera, Gloria; Bailey, Rich, [REDACTED], Levinski, Robert; Corpus, Grace; Futrell, Toby, Haines, Dina; Mormon, Andy; May, Rachel; [REDACTED], Moore, Andrew, Robbins, Beverly; Thompson, Kenny, Sirwaitis, Sherri, [REDACTED]
Subject: Fw: Please vote no on Case # C14-06-0172

>
>Please do not allow the building of this tower in our neighborhood. As a Meas Park resident, I am completely opposed. We are already surrounded by shopping development and the soon to be traffic will dramatically impact our quality of life This does not include the recent development of the Quarries and that traffic.
>
>This will continue to erode this small community which provides an affordable and quality neighborhood in North Austin.
>
>Pamela Villars
>4207 Red Cloud Dr
>512 418-8219

Sirwaitis, Sherri

From: Robert Durch [REDACTED]

Sent: Wednesday, October 18, 2006 11:10 PM

To:

[REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl, Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; [REDACTED] Aguilera, Gloria, Bailey, [REDACTED] Levinski, Robert, Corpus, Grace; Futrell, Toby; [REDACTED] Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew, Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri

Subject: Case # C14-06-0172

Thank you for listening, but please continue your support for the neighborhood.
Don't allow developers this inroad into disingenuous compromises.
Please support what makes Austin special, and different from Houston.
For great neighborhoods we need to continue to restrict to a maximum height of the current zoning.

THANK YOU!

Sirwaitis, Sherri

From: Betty Malmstad [REDACTED]

Sent: Thursday, October 19, 2006 8 07 AM

To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty, McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina, [REDACTED] Aguilera, Gloria; Bailey, Rich [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED] Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew, Robbins, Beverly, Thompson, Kenny; Sirwaitis, Sherri

Subject: Case # C14-06-0172

October 18, 2006

Please - no high-rise development in this area! Thank you Dr Betty J. Malmstad

10/19/2006

Sirwaitis, Sherri

From: Bill Kleinebecker [REDACTED]
Sent: Thursday, October 19, 2006 10:13 AM
To: [REDACTED];
[REDACTED];
[REDACTED] Martinez, Mike [Council Member];
[REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer,
Leffingwell, Lee, Haines, Dina; [REDACTED] Aguilera, Gloria, Bailey, Rich;
[REDACTED] Levinski, Robert; Corpus, Grace, Futrell, Toby; [REDACTED]
[REDACTED] Haines, Dina; Mormon, Andy, May, Rachel; [REDACTED]
Cc: [REDACTED]
Subject: Case # C14-06-0172

Folks,

I do not favor ANY change in the current limit of 40' of building height in the 183 corridor from Braker to Lakecreek.

The MF-6 "compromise" is only a smoke screen for getting a 12 story plus building finally erected at the site. It will be the precursor to more such aberrations on the plateau.

Is Austin to have a new round of urban sprawl only this time with spikes of buildings here and there? Why not do something much more sensible and encourage the development of distributed urban centers at major crossroads such as La Fronterra, the Arboretum and Lakeline. The amenities of those nodes would be much more attractive to home buyers, future mass transit would be much more economically viable by having true population centers using the highway ROWs of SH-43, 183, and Mopac (as well cutting down on commutes to nearby large companies for some), housing would be much more affordable for a number of reasons, they are in mature school districts, and the tax base would stay in Austin.

EJT was enacted decades ago to control just the kind of development this "compromise" allows. If you do pass the compromise and don't prefer the clustering I advocate below in the VMU for Jollyville. My next action would be to petition the state legislature to rescind the EJT law because it has become ineffective.

Since becoming a resident of Austin, I have voted in each city election. I live on the Jollyville plateau.

Thank you.

... Bill Kleinebecker

Sirwaitis, Sherri

From: No Tower [REDACTED]
Sent: Wednesday, October 18, 2006 5.34 PM
Subject: ARBORETUM TOWERS ZAP HEARING RESULTS

The Zoning and Platting Commission voted yesterday on the Arboretum Towers case. As an attempt at a compromise, the recommendation was MF-6 with a CO of 60 foot height limit. Neighborhoods are **not** in agreement as the CO could be lifted which would allow 90' height or even taller in this location and setting a precedent for other high-rises in other locations in our neighborhoods.

Check out [REDACTED] on the left side for the latest news. The council hearing is currently scheduled for tomorrow, however there will most likely be a 2 week postponement. More updates to come...

The Zoning and Platting Commission voted on the case. We are confirming the vote, but we believe the motion acted upon by all nine commissioners was GR-MU-MF6 for Tract 1; LO-MU for Tract 2; and a CO limiting 60 feet in height for both tracts. This means high density development without the outrageous height requested by the developer.

There was debate over the propriety of an MF-6 on this property. Commissioner Hammond and Chairman Baker clearly did not support MF-6 in this area. Chairman Baker noted that she thought MF-6 is spot zoning and that it is precedential. Commissioner Shieh indicated support for zoning that would be compatible with the upcoming VMU standards for the Jollyville corridor. However, all of the commissioners appeared to be very supportive of the neighbors overwhelming concerns over building height; hence the 60 foot height limit. Next stop: City Council this Thursday, October 19th.

Arboretum Tower Project 

Not Right for Austin

[REDACTED]

Email [REDACTED] with the subject line "unsubscribe" to remove your name from this email list.

Sirwaitis, Sherri

From: Skip Cameron [REDACTED]
Sent: Wednesday, October 18, 2006 5:02 PM
To: Wynn, Will, Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer, Leffingwell, Lee; Martinez, Mike [Council Member]; Cole, Sheryl, Aguilera, Gloria; May, Rachel; Bailey, Rich, Mormon, Andy; Brault, Kelley; Levinski, Robert, Corpus, Grace, Robert A Garza, Moore, Andrew, Robbins, Beverly; Thompson, Kenny, Yontz, Caryl, Watson, Matt; Barraza, Thelma, Berghammer, Darlene; Coleman, Barbara, Garza, Julian; Aguilera, Alison; Ruiz, Viola, McDonald, Stephanie, Sirwaitis, Sherri, Rusthoven, Jerry; Guernsey, Greg, Futrell, Toby
Subject: Case # C14-06-0172 Item #PH66 October 19, 2006

Mayor and Council:

Please deny this applicant's request.

This case for MF-6 zoning, which exists nowhere in this area of Austin.

It is not only code busting, it is spot zoning which is illegal

It violates the 1970's Jollyville Corridor Study adopted by a prior City Council and updated in 1984 and 1985, which has been followed by every development so far.

This area has two adjacent tracts, when combined onto a 4.5 acre PUD would make a zoning and land use compatible mixed use development desirable by everyone in the area.

There are at least 3 respectable developers who want a chance to work on this and the landowners are agreeable to their proposals.

Let's let the process evolve to a win-win and not to a huge precedent setting, code busting, incompatible nightmare that we will all regret.

I am counting on all of you to do right by Austin on this case and turn it down

Skip Cameron, President
Bull Creek Foundation
8711 Bluegrass Drive
Austin, TX 78759-7801
(512) 794-0531
--

for more information www.bullcreek.net

For better people mobility solutions see www.acprt.org

Sirwaitis, Sherri

From: Betty Malmstad [REDACTED]

Sent: Wednesday, October 18, 2006 7:09 AM

To: [REDACTED]
[REDACTED], Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer, Leffingwell, Lee; Hanes, Dina; richard.arellano@ci.austin.tx.us; Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED] Mormon, Andy; May, Rachel, [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri

Subject: Case # C14-06-0172

October 18, 2006

I am against adding highrises to the area under discussion. Thank you. Dr. Betty J. Malmstad

10/18/2006

Sirwaitis, Sherri

From: Jody [REDACTED]
Sent: Tuesday, October 17, 2006 9:01 PM
To: [REDACTED]

[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert, Corpus, Grace; Futrell, Toby; No Tower; Mormon, Andy, May, Rachel, [REDACTED]; Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri

Subject: Case # C14-06-0172

No Towers on Jollyville. Nothing over 3-4 stories!

PLEASE HEAR THE NEIGHBORHOODS!

Thank you.

10/18/2006

Sirwaitis, Sherri

From: Larry Childs [REDACTED]
Sent: Tuesday, October 17, 2006 9:44 AM
To: [REDACTED]
[REDACTED] Martinez, Mike [Council Member]; Cole, Sheryl; Wynn, Will; Dunkley,
Betty; McCracken, Brewster, Kim, Jennifer, Leffingwell, Lee; Haines, Dina;
[REDACTED] Aguilera, Gloria; Bailey, Rich [REDACTED] Levinski,
Robert, Corpus, Grace; Futrell, Toby, Haines, Dina; Mormon, Andy, May, Rachel;
[REDACTED]; Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis,
Sherri

Subject: Case # C14-06-0172 Northwest Austin Tower

Guys,

I apologise for interrupting your busy work day, but I just wanted to let you know that I do not think this project is a good idea for Northwest Austin. I live in a house on Oak Knoll Drive, and do not want to see this 12 story residential building built. Besides being what I consider an eyesore in our mostly residential area, I think that it will only add to congestion along 183, and on Jolleyville Road. Please consider rejecting this proposal, and keeping high density projects closer to downtown, where cars are a less an essential part of everyday life

Thank you for your consideration,

Larry Childs

Sirwaitis, Sherri

From: tracie dolezal [REDACTED]

Sent: Monday, October 16, 2006 11:25 PM

To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member]; Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina, [REDACTED] Aguilera, Gloria; Bailey, Rich; [REDACTED] Levinski, Robert; Corpus, Grace; Futrell, Toby, Mormon, Andy; May, Rachel, [REDACTED]; Moore, Andrew; Robbins, Beverly, Thompson, Kenny, Sirwaitis, Sherri; [REDACTED]

Subject: Arboretum Tower Project -Case #: C14-06-0172

Regarding the Arboretum Tower Project, I would encourage each of you to vote **AGAINST** any variance that would allow a building to be built above the current maximum allowable height of 40 feet

As a nearby resident, I can attest to the fact that the proposed tower of 120 ft (or even 60 ft) does not fit in this location There are no buildings this tall for at least 3 miles in either direction along 183 All other zoning in the area is limited to 40 ft in height

This building, if built, would be the eyesore of Northwest Austin

One only has to look to the Pinnacle building (10 stories) in Southwest Austin, to see how out of place a lone sky scraper looks in suburban Austin

I have nothing against building condominiums in the area, as long as they conform to existing zoning restrictions so as to match other buildings in the area At 120 feet, this tower would stick out like a sore thumb

Ten years ago, my wife and I had a decision between living in Austin and Houston We choose Austin because it is a beautiful city. This tower will not make Austin more beautiful, it will make it look more like Houston

Again, please vote **AGAINST** any variance that would allow this tower to be above the current maximum height of 40 ft

David Dolezal
6216 Harrogate
Austin, TX 78759

Sirwaitis, Sherri

From: No Tower [REDACTED]
Sent: Monday, October 16, 2006 10:07 PM
Subject: REMINDER: Arboertum Towers ZAP Hearing Tomorrow

Reminder! Arboretum Towers ZAP Hearing Tomorrow, 6pm @ City Hall

It is critical that we have a large turnout at the ZAP hearing tomorrow to show the zoning board that we are serious. Even if you do not wish to speak, your attendance still matters!

Please join us at City Hall at 6pm and sign in against the Arboretum Towers project. Protect our neighborhoods from a trend of poorly planned towers!

Thank you!

Arboretum Tower Project 

Not Right for Austin

[REDACTED]
Email [REDACTED] with the subject line "unsubscribe" to remove your name from this email list.

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Sirwaitis, Sherri

From: Nancy Costa [REDACTED]
Sent: Monday, October 16, 2006 4:33 PM
To: Sirwaitis, Sherri
Cc: 'Amelia Lopez-Phelps', Rusthoven, Jerry
Subject: C14-06-0172 - Arboretum Retirement Community

Hi Sherri,

Attached is a letter addressed to you from Paul DeNucci. He has sent you this letter in response to Leslie Dolliver's letter dated 10/5/06. Please review.

I have also attached a zip file that contains all the letters that Paul DeNucci sent to Mr Henges as support for his letter to you.

Please feel free to let me know if you have any questions

Thanks

Nancy Costa
Project Manager
Lopez-Phelps & Associates, LLC
611 S. Congress, Ste. 340
Austin, TX 78704
P 512-236-8707
F 512-236-8722

10/17/2006